REMARKS

Claims 2, 5-21, 24-34, and 37-55 are pending in the application.

Claims 2, 5-21, 24-34 and 37-55 have been rejected.

Rejection of Claims Under 35 U.S.C. §102

Claims 2, 5-21, 24-34 and 37-55 stand rejected under 35 U.S.C. §102(e) as being anticipated by Dilip et al. (U.S. Patent No. 6,704,409). Applicants respectfully traverse these rejections.

Independent Claims 2, 21 and 34 each contain limitations of substantially the following form:

(1) a configurable communication server configured to communicate via a communication channel by virtue of being configured to access information regarding a type of communication that uses the communication channel, wherein

(2) the configurable communication server is configured to determine

a command to issue to the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing, and

an event response to perform in response to an event if the type of communication is incoming.

See, e.g., Claim 2. Applicants respectfully submit that the cited sections of Dilip do not provide disclosure of each of these limitations.

As an initial matter, to the extent that Applicants' discussions related to these rejections as presented in prior Responses are applicable, Applicants incorporate those discussions by reference. The Final Office Action raises additional issues which Applicant addresses below, using the same nomenclature that the Final Office Action uses to identify those arguments.

Argument A: The Final Office Action states that Dilip's disclosed transaction controller "handles multiple types of transactions such as email, video sessions, telephone calls, etc." Final Office Action, p.2. Applicant respectfully submits that this interpretation of the claim element "type" ignores how that element is defined in the claims. And, in fact, this interpretation ignores how the Final Office Action itself subsequently uses the element "type" or at least is logically inconsistent with that subsequent usage as provided in "Argument B."

The independent claims provide that a "type of communication" is either outgoing or incoming. *See, e.g.,* Claim 2. The cited sections of Dilip do not provide such types of communication because the cited sections are concerned with Dilip's "transaction controller" which handles only inbound transactions and distributing such inbound transactions. *See, e.g.,* Dilip 9:23-25 ("In a particular embodiment of the invention, servers 56-66 communicate all incoming transactions to transaction controller 44.")(emphasis added); *see also* Dilip 9:37-38 ("Fig. 4 is a flow diagram illustrating an embodiment for handling received transactions.")(emphasis added). Thus, the disclosed transaction controller does not handle both of the claimed outgoing and incoming types of communications.

Dilip does provide disclosure of the transaction controller purportedly providing an automated response to an incoming transaction. *See* Dilip 10:1-13. Applicants submit that such an automated response does not amount to "communicating via a communication channel by virtue of being configured to access information regarding a type of communication that uses the communication channel," as claimed. The description provided by Dilip regarding automated response provides no indication that such a response is provided by virtue of accessing the type of communication, as such types are claimed (e.g., "outgoing" and "incoming"). The cited sections of the disclosure only provide that "[s]tep 106 determines whether the transaction

controller is capable of responding to the transaction." Dilip 10:1-2. There is no disclosure in the cited section of examining a "type" of transaction in order to perform such a communication. Further, Dilip discloses that such an automated response would only purportedly be performed in response to an incoming transaction, since the transaction controller discussed in Fig. 4 is only concerned with incoming transactions. *See* Dilip 9:37-38.

Argument B: The complete limitation discussed in Argument B provides "wherein the configurable communication server is configured to determine a command to issue to the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing, and an event response to perform in response to an event if the type of communication is incoming." *See, e.g.,* Claim 2 (emphasis added). The arguments presented in the "Argument B" section of the Final Office Action are inconsistent with those presented in the "Argument A" section.

The Final Office Action appears to try to have it two ways with regard to the "type of communication" element. As presented in the Final Office Action for "Argument A," the Final Office Action defines "type" to be "email, video sessions, telephone calls, etc." But such types are not those claimed for the "wherein" clause limitations, which are "incoming" and "outgoing." The Final Office Action implies that, for Argument B, type is "incoming" or "outgoing" because a "transaction can be either inbound or outbound." *See* Final Office Action, p.2. But it is improper to argue that a single claim element can have one definition for one limitation and a different definition for another limitation. Further, since the Final Office Action refers to Dilip's transaction controller as the analog to the claimed "configurable communication server," this implies that the transaction controller handles both incoming and outgoing

transactions. But Dilip's disclosure is clear that the transaction controller only handles inbound transactions, as discussed above. *See* Dilip 9:23-25, 9: 37-38.

In addition, the Final Office Action correlates Dilip's "transactions" with the claimed "communications." Dilip clearly states that "Fig. 4 [cited in support of the Final Office Action's argument] is a flow diagram illustrating an embodiment of a procedure for handling <u>received</u> <u>transactions</u>." Dilip 9:37-38 (emphasis added). Thus, there is no disclosed outgoing type of transaction in Dilip. The disclosure of an automated response is merely in response to an incoming transaction. Thus, even if a type of the transaction was considered in making the automated response, that type is <u>incoming</u>, not outgoing.
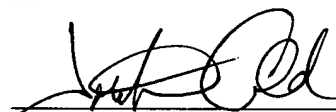
Further, the Application defines an "event response" as "determin[ing] how communication server 109 reacts upon receiving each media event." Application, p.17, ll.13-14. The claim limitation provides for determining an event response to an incoming communication. The cited sections of Dilip provide no disclosure of the claimed "determining." Dilip merely decides if an automated response can be made and, if not, then forwards the communication to "an appropriate system." *See* Dilip 10:1-13. Dilip provides no disclosure of a determination of what the transaction controller will do. Instead, Dilip merely forwards the transaction to an "appropriate system" for handling. *See* Dilip 10:14-19.

For at least these reasons, Applicants submit that Dilip fails to disclose each limitation of independent Claims 2, 21 and 34 and all claims depending therefrom and that these claims are in condition for allowance. Therefore, Applicants respectfully request the Examiner's reconsideration and withdrawal of the final rejections as to these claims and an indication of the allowability of same.

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CONCLUSION

In view of the remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on January 3, 2007.
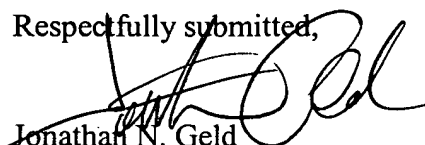
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